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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 BRIAN EDWARD KAUFFMAN,

13 Defendant.

NO. CR04-416-RSM

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release in this case was
16 scheduled before the undersigned Magistrate Judge on October 4, 2011. The United States was
17 represented by Assistant United States Attorney Francis Franze-Nakamura for Lawrence
18 Lincoln, and the defendant by Chris Kerkerling. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Possession with Intent to Distribute
20 Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B). On or about
21 February 18, 2005, defendant was sentenced by the Honorable Ricardo S. Martinez to a term of
22 5 years in custody, to be followed by 5 years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse
26 program, financial disclosure, reside in and participate in an RRC for up to 180 days.

1 In a Petition for Warrant or Summons dated September 1, 2011, U.S. Probation Officer
2 Carol A. Chavez asserted the following violations by defendant of the conditions of his
3 supervised release:


- 4 (1) Committing the crime of VUCSA-Possession of Methamphetamine on or about
5 July 19, 2011, in violation of the mandatory condition that he not commit a
6 federal, state, or local crime.
- 7 (2) Committing the crime of VUCSA-Possession of MDMA/ecstasy on or about
8 July 19, 2011, in violation of mandatory condition that he not commit a federal,
9 state, or local crime.
- 10 (3) Failing to submit a monthly report for the months of June and July 2011, in
11 violation of Standard Condition No. 2 that he submit a supervision report within
12 the first five days of each month.

13 On September 1, 2011, defendant made his initial appearance. The defendant was
14 advised of the allegations and advised of his rights. On October 4, 2011, this matter came
15 before the Court for an evidentiary hearing. Defendant admitted to violation 3. Alleged
16 violations 1 and 2 were dismissed without prejudice by the government.

17 I therefore recommend that the Court find the defendant to have violated the terms and
18 conditions of his supervised release as alleged in violation 3, and that the Court conduct a
19 hearing limited to disposition. A disposition hearing on these violations has been set before the
20 Honorable Ricardo S. Martinez on October 14, 2011 at 11:30 a.m.

21 Pending a final determination by the Court, the defendant has been detained.

22 DATED this 4th day of October, 2011.

23 
24 JAMES P. DONOHUE
25 United States Magistrate Judge
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2 cc: District Judge: Honorable Ricardo S. Martinez
3 AUSA: Lawrence R. Lincoln
4 Defendant's attorney: Chris Kerkerling
Probation officer: Carol A. Chavez
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